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### **REMARKS**

An Excess Claim Fee Payment Letter is submitted herewith to cover the cost of seven (7) excess total claims.

Claims 1-42 are all the claims presently pending in the application. Claims 1, 16, 26 and 28 are independent. Claims 3-6, 15, 19-20, 24 and 34-35 have been amended to further define the claimed invention. Claims 36-42 have been added to claim additional features of the claimed invention.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-4, 6-8, 10-12, 15-26 and 28-32 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Polcyn, et al. (U.S. Patent No. 6,061,433). Claims 13-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Polcyn in view of Csaszar (U.S. Patent No. 5,970,124). Claims 5, 9 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Polcyn in view of Hanson (U.S. Patent No. 6,016,336). Claims 33-35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Polcyn in view of Partridge (U.S. Patent No. 5,933,484).

These rejections are respectfully traversed in the following discussion.

#### **I. THE CLAIMED INVENTION**

Applicant's invention, as disclosed and claimed (e.g., see independent claims 1 and 16), is directed to a method (and system) for personalizing an interactive voice response (IVR) system to reduce a number of key sequences to reach a desired source of information. The claimed method includes storing a caller profile, accessing the IVR system via a telephone, and retrieving the caller profile to construct a personalized IVR dialogue menu and play out the personalized IVR dialogue menu via the telephone. The personalized IVR dialogue menu is at least one of

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based on a caller access pattern and configurable by the caller.

Importantly, the personalized IVR dialogue menu includes a plurality of shortcut paths, and an option for changing the plurality of shortcut paths in the personalized IVR dialogue menu.

Conventional IVR methods/systems may include an option for updating a caller's usage history. However, such methods/systems do not include a personalized IVR dialogue menu which includes an option for changing the personalized IVR dialogue menu. Thus, for example, a caller cannot change an IVR menu without exiting the menu. Such conventional methods/systems, therefore, lack convenience and sophistication (Application at page 11, lines 4-16).

The claimed invention, on the other hand, includes a personalized IVR dialogue menu which includes a plurality of shortcut paths, and an option for changing the plurality of shortcut paths in the personalized IVR dialogue menu (Application at Figures 4 and 5; page 11, lines 17-21). That is, the menu itself includes the option of changing the plurality of shortcut paths (e.g., the content of the menu) in the menu. These features allow the claimed invention is much more sophisticated, user friendly and flexible than conventional methods/systems.

## II. THE PRIOR ART REFERENCES

### A. The Polcyn Reference

The Examiner alleges that Polcyn teaches the claimed invention of claims 1-4, 6-8, 10-12, 15-26 and 28-32. Applicant submits, however, that there are elements of the claimed invention that are neither taught or suggested by Polcyn.

However, Polcyn does not teach or suggest *"said personalized IVR dialogue menu comprising: a plurality of shortcut paths; and an option for changing said plurality of shortcut paths in said personalized IVR dialogue menu"* as recited in claim 1 and similarly recited in claims 16, 26 and 28.

As noted above, unlike conventional methods and systems, in the claimed invention, the menu itself includes the option of changing the plurality of shortcut paths (e.g., the content of the menu) in the menu. These features allow the claimed invention is much more sophisticated, user

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friendly and flexible than conventional methods/systems (Application at Figures 4 and 6; page 11, lines 17-21).

Clearly, these novel features are not taught or suggested by Polcyn. Indeed, the Examiner attempts to rely on Figure 3 in Polcyn to support his position. However, the Examiner is clearly incorrect.

In fact, nowhere does Figure 3 or anywhere else for that matter, does Polcyn teach or suggest a personalized IVR dialogue menu which includes an option for changing the plurality of shortcut paths. The Examiner surprisingly attempts to equate step 345 in the flowchart of Figure 3 of Polcyn as somehow teaching such an option for changing the plurality of shortcut paths in a personalized IVR dialogue menu. However, the Examiner completely misses the point.

That is, in the claimed invention, the menu itself includes the option of changing the plurality of shortcut paths (e.g., the content of the menu) in the menu. Applicant would respectfully request that the Examiner consider closely the claim language "*said personalized IVR dialogue menu comprising ... an option for changing said plurality of shortcut paths in said personalized IVR dialogue menu*". Again, for emphasis, the menu itself includes the option of changing the plurality of shortcut paths (e.g., the content of the menu) in the menu.

In fact, nowhere does Polcyn teach or suggest that step 345 is in any manner associated with a personalized menu. Instead, step 345 is merely an option for changing an order of preferences at the end of a phone call which is completely unrelated to the claimed invention. Note, for example, that step 345 comes only after the caller has been directed to other applications (e.g., see steps 325 and 340, etc.). That is, even assuming that Polcyn teaches an option for changing a plurality of shortcut paths in a menu, such option is clearly not provided in the menu. Again, for emphasis, in the claimed invention, the menu itself includes the option of changing the plurality of shortcut paths (e.g., the content of the menu) in the menu.

Therefore, Applicant submits that these references would not have been combined as alleged by the Examiner and even if combined, the combination would not teach or suggest each and every element of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection.

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### **B. The Csaszar Reference**

The Examiner alleges that Polcyn would have been combined with Csaszar to form the claimed invention of claims 13-14. Applicant submits, however, that these references would not have been combined as alleged by the Examiner and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

Csaszar discloses a method of directed advertising. Specifically, the method uses a database having information which the consumer desires to know, a database having attributes of the consumer, and a database of advertising messages that an IVR system can deliver to the consumer in response to calls placed to the IVR system (Csaszar at Abstract).

However, Csaszar is completely unrelated to an IVR system and is completely unrelated to Polcyn. Hence, given the completely different fields of the references, there would have been no motivation to combine the references, absent impermissible hindsight.

Moreover, neither Polcyn, nor Csaszar nor any combination thereof teaches or suggests *"said personalized IVR dialogue menu comprising: a plurality of shortcut paths; and an option for changing said plurality of shortcut paths in said personalized IVR dialogue menu"* as recited in claim 1 and similarly recited in claims 16, 26 and 28.

Clearly, this novel feature is not taught or suggested by Csaszar. Indeed, Applicant notes that the Examiner is merely relying on Csaszar as allegedly disclosing inserting an advertisement into the caller's personalized dialogue menu (which Applicant denies). In other words, the Examiner has not alleged that Csaszar teaches or suggests a personalized IVR dialogue menu which includes a plurality of shortcut paths, and an option for changing the plurality of shortcut paths.

In fact, nowhere does Csaszar teach or suggest a personalized IVR dialogue menu which includes an option for changing the personalized IVR dialogue menu. Indeed, the system and method of Csaszar are completely different from that of the claimed invention. In fact, as noted above, Csaszar merely discloses a system and method for directed advertising, and is completely unrelated to an IVR system.

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Thus, Csaszar fails to teach or suggest a personalized IVR dialogue menu which includes a plurality of shortcut paths, and an option for changing the plurality of shortcut paths, as in the claimed invention. Again, for emphasis, in the claimed invention, the menu itself includes the option of changing the plurality of shortcut paths (e.g., the content of the menu) in the menu. Therefore, Csaszar fails to make up for the deficiencies of the Polcyn reference.

Therefore, Applicant submits that these references would not have been combined as alleged by the Examiner and even if combined, the combination would not teach or suggest each and every element of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection.

### C. The Hanson Reference

The Examiner alleges that Hanson teaches the invention of claims 5, 9 and 27. Applicant submits, however, that these references would not have been combined as alleged by the Examiner and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

However, neither Polcyn, nor Hanson, nor any combination thereof teaches or suggests *"said personalized IVR dialogue menu comprising: a plurality of shortcut paths; and an option for changing said plurality of shortcut paths in said personalized IVR dialogue menu"* as recited in claim 1 and similarly recited in claims 16, 26 and 28.

Clearly, these novel features are not taught or suggested by Hanson. Indeed, Applicant respectfully notes that the Examiner is not relying on Hanson as allegedly disclosing this feature, but is merely relying on Hanson as allegedly teaching a shortcut based on a most-recently accessed IVR pattern.

Indeed, Hanson teaches that when the caller connects to the IVR system, he is merely presented with the option of receiving the full-length menu manuscript, or being connected in accordance with the caller's most recent previous choice (Hanson at col. 4, lines 1-54). Nowhere does Hanson teach that the caller is given an option at this point (e.g., when the call is initiated) to change his options. Thus, even assuming (arguendo) that being connected in accordance with

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the caller's most recent choice is somehow a part of a "menu", nowhere does that "menu" include the option of changing the "menu".

Thus, it is clear that Hanson does not even teach or suggest a personalized main menu as in the claimed invention, let alone a personalized main menu that includes a plurality of shortcut paths and an option for changing the plurality of shortcut paths. Again, for emphasis, in the claimed invention, the menu itself includes the option of changing the plurality of shortcut paths (e.g., the content of the menu) in the menu.

Therefore, Applicant submits that there are elements of the claimed invention which are not taught or suggested by Hanson. Therefore, the Examiner is respectfully requested to withdraw this rejection.

#### **D. The Partridge Reference**

The Examiner alleges that Polcyn would have been combined with Partridge to form the claimed invention of claims 33-35. Applicant submits, however, that these references would not have been combined as alleged by the Examiner and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

Partridge discloses a method of providing a menu to a subscriber on a switched telecommunications network (Partridge at Abstract).

Clearly, Partridge is completely unrelated to Polcyn which is directed to dynamically changeable menus and would not have been combined with Polcyn as alleged by the Examiner. Moreover, Applicant respectfully submits that the Examiner has provided insufficient motivation for combining the references as alleged by the Examiner.

Hence, given the completely different problems addressed by the references, let alone those to which the present invention aims to solve, and given the fundamentally different solutions offered by the references to address these disparate problems, there would have been no motivation to combine the references, absent impermissible hindsight.

Moreover, neither Partridge, Polcyn, nor any combination thereof, teaches or suggests *"said personalized IVR dialogue menu comprising: a plurality of shortcut paths; and an option*

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*for changing said plurality of shortcut paths in said personalized IVR dialogue menu” as recited in claim 1 and similarly recited in claims 16, 26 and 28.*

Clearly, this novel feature is not taught or suggested by Partridge. Indeed, Applicant notes that the Examiner is merely relying on Partridge as allegedly disclosing an option for changing a personalized menu to include a selected shortcut.

In fact, nowhere does Partridge teach or suggest a personalized IVR dialogue menu which includes an option for changing the personalized IVR dialogue menu. Again, for emphasis, in the claimed invention, the menu itself includes the option of changing the plurality of shortcut paths (e.g., the content of the menu) in the menu.

Indeed, the system and method of Partridge are completely different from that of the claimed invention. The Examiner attempts to rely on Figure 3 in Partridge to support his position. However, the Examiner is clearly incorrect. Indeed, Partridge discloses that step 300 in Figure 3 may include a menu modification option (Partridge at col. 5, lines 50-62). However, this option merely allows adding or deleting in step 340 service options from the menu. That is, the menu is clearly not a personalized IVR menu and clearly does not include a plurality of shortcut paths, so the “menu modification option” certainly has nothing to do with changing the plurality of shortcut paths (e.g., the content of the menu) in the menu.

Therefore, Applicant submits that these references would not have been combined as alleged by the Examiner and even if combined, the combination would not teach or suggest each and every element of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection.

### III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-42, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the

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Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Respectfully Submitted,

Date: 9/16/04

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**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that the foregoing Response was filed by facsimile with the United States Patent and Trademark Office, Examiner Olisa Anwah, Group Art Unit # 2645 at fax number (703) 872-9306 this 16<sup>th</sup> day of September 16, 2004.



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